

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1447

Introduced by Assembly Member Charles Calderon

February 23, 2007

An act to amend Section 25211.3 of, and to repeal and add Sections 25211.1 and 25211.2 of, the Health and Safety Code, ~~and to amend Section 42167 of the Public Resources Code,~~ relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1447, as amended, Charles Calderon. Hazardous waste: major appliances.

(1) Existing hazardous waste laws prohibit a person who is not a certified appliance recycler from removing materials that require special handling from major appliances, or transporting, delivering, or selling discarded major appliances to a scrap recycling facility, except as specified. A person who transports, delivers, or sells discarded major appliances to a scrap recycling facility is required to provide evidence that that person is a certified appliance recycler, but a person who is not a certified appliance recycler is allowed to transport, deliver, or sell a discarded major appliance to a scrap recycling facility under specified conditions. A violation of the hazardous waste control laws is a crime.

This bill would revise those requirements to instead allow an appliance service technician to remove refrigerant from a major appliance. The bill would delete the provisions prohibiting the transportation, delivery, or sale of discarded major appliances by a person who is not a certified appliance recycler to a scrap recycling facility, and would allow a person who is not a certified appliance recycler to transport, deliver, or sell a

discarded major appliance to a certified appliance recycler under revised conditions. *A scrap recycling facility that accepts more than one appliance in a 30-day period for any person would be required, within 14 days, to provide the Department of Toxic Substances Control and the local Certified Unified Program Agency with certain information.* The bill would also make conforming changes.

By imposing new hazardous waste management requirements, the violation of which would be a crime, the bill would impose a state-mandated local program.

~~(2) The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires materials that require special handling be removed from major appliances and vehicles in which they are contained prior to crushing for transport or transferring to a baler or shredder for recycling. Existing law defines the term “materials that require special handling” as including, among other things, used oil.~~

~~This bill would revise the definition of “materials that require special handling” to exclude oil or used oil encased in a major appliance.~~

~~(3)–~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25211.1 of the Health and Safety Code
- 2 is repealed.
- 3 SEC. 2. Section 25211.1 is added to the Health and Safety
- 4 Code, to read:
- 5 25211.1. (a) Except as provided in subdivision (b), ~~no~~ a person,
- 6 other than a certified appliance recycler, shall *not* remove materials
- 7 that require special handling from a major appliance.
- 8 (b) An appliance service technician certified pursuant to Section
- 9 82.161 of Title 40 of the Code of Federal Regulations may remove
- 10 refrigerant from major appliances.

1 SEC. 3. Section 25211.2 of the Health and Safety Code is
2 repealed.

3 SEC. 4. Section 25211.2 is added to the Health and Safety
4 Code, to read:

5 25211.2. (a) Except as provided in subdivision (b), a person
6 who transports, delivers, or sells discarded major appliances to a
7 scrap recycling facility shall provide evidence that he or she is a
8 certified appliance recycler and shall certify, on a form prepared
9 by the department and provided to the facility at the time of the
10 transaction, that all materials that require special handling have
11 been removed from the appliances pursuant to subdivision (a) of
12 Section 25212. Information on the form shall include, but not be
13 limited to, the appliance recycler certificate number, the appliance
14 recycler's hazardous waste generator identification number, the
15 *number and* types of appliances included in the shipment, and the
16 facilities to which the materials that require special handling and
17 that were removed from the appliances were sent or are to be sent.

18 (b) A person who is not a certified appliance recycler may
19 transport, deliver, or sell discarded major appliances to a scrap
20 recycling facility only if the scrap recycling facility is a certified
21 appliance recycler and ~~both~~ *only if either* of the following
22 conditions specified ~~are~~ *is* met:

23 (1) The appliances have not been crushed, baled, shredded,
24 sawed or sheared apart, or otherwise processed in such a manner
25 that could result in the release, or prevent the removal, of materials
26 that require special handling.

27 (2) The appliances have been crushed, baled, shredded, or sawed
28 or sheared apart, or otherwise processed in such a manner that
29 could result in the release, or prevent the removal, of materials
30 that require special handling, and that person does one of the
31 following:

32 (A) Provides the scrap recycling facility with a written
33 certification, at the time of the transaction, that identifies any
34 materials that require special handling that have been removed
35 from the appliance and certifies that all of these materials were
36 removed by a person authorized under Section 25211.1. The
37 certification shall include the appliance recycler or appliance
38 service technician certificate number, the appliance recycler or
39 appliance service technician's hazardous waste generator
40 identification number, the number and types of appliances included

1 in the shipment, and the facilities to which the materials that require
2 special handling that were removed from the appliances were sent
3 or are to be sent.

4 (B) Provides the scrap recycling facility his or her name, address,
5 and written certification that he or she obtained the appliance in
6 its current condition and did not process the appliance or arrange
7 to have it processed or knowingly accept the appliance from any
8 other person who processed it or arranged to have it processed.
9 That person shall also provide the name and address of the person
10 from whom the appliance was obtained, or include in the written
11 certification the reason that the information is unavailable.

12 (c) A scrap recycling facility that accepts appliances pursuant
13 to subparagraph (B) of paragraph (2) of subdivision (b) shall
14 provide an annual report to the department and the local CUPA
15 that includes both of the following:

16 ~~(1) Identifies the names of the persons who transported,~~
17 ~~delivered, or sold the appliances to the scrap recycling facility.~~

18 *(1) For each appliance received by the scrap facility, the name*
19 *and address of the person who transported, delivered, or sold the*
20 *appliance to the scrap recycling facility.*

21 ~~(2) Specifies the~~ The total number of appliances received
22 pursuant to the conditions provided in subparagraph (B) of
23 paragraph (2) of subdivision (b).

24 *(d) A scrap recycling facility that accepts more than one*
25 *appliance in a 30-day period from a person pursuant to*
26 *subparagraph (B) of paragraph (2) of subdivision (b) shall, within*
27 *14 days, provide the department and the local CUPA with the*
28 *name and address of the person who transported, delivered, or*
29 *sold the appliance to the facility.*

30 SEC. 5. Section 25211.3 of the Health and Safety Code is
31 amended to read:

32 25211.3. A certified appliance recycler, and any person who
33 is not a certified appliance recycler who is subject to subdivision
34 (b) of Section 25211.2, shall retain onsite records demonstrating
35 compliance with applicable requirements of this article and Section
36 42175 of the Public Resources Code. The records shall be retained
37 for three years and shall be made available for inspection, upon
38 the request of a representative of the department or a CUPA. The
39 records shall be retained, after that three-year period, during the
40 course of an unresolved enforcement action or as requested by the

department or CUPA. The records shall include, but not be limited to, all of the following information:

(a) The amount, by volume or weight or both of each material that required special handling.

(b) The method used by the appliance recycler to recycle, dispose of, or otherwise manage each material that required special handling, including the name and address of the facility to which each material was sent.

(c) The number and types of appliances from which materials that require special handling are removed each year.

(d) *The reports required pursuant to subdivision (c) of Section 25211.2.*

~~SEC. 6. Section 42167 of the Public Resources Code is amended to read:~~

~~42167. "Materials that require special handling" means all of the following:~~

~~(a) Sodium azide canisters in unspent airbags that are determined to be hazardous by federal and state law or regulation.~~

~~(b) Encapsulated polychlorinated biphenyls (PCBs) and Di (2-Ethylhexylphthalate) (DEHP), and metal encased capacitors, in major appliances.~~

~~(c) Chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and other non-CFC replacement refrigerants, injected in air-conditioning/refrigeration units.~~

~~(d) Mercury found in switches and temperature control devices in major appliances.~~

~~(e) (1) Except as provided in paragraph (2), any other material that, when removed from a major appliance, is a hazardous waste regulated pursuant to Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code.~~

~~(2) Paragraph (1) does not include oil or used oil encased in a major appliance.~~

~~SEC. 7.~~

~~SEC. 6.~~ No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

O